

# **EXHIBIT D**

1 UNITED STATES DISTRICT COURT  
 2 FOR THE NORTHERN DISTRICT OF OHIO  
 3 EASTERN DIVISION

4 IN RE: NATIONAL ) MDL No. 2804  
 PRESCRIPTION OPIATE )  
 5 LITIGATION ) Case No.  
 ) 1:17-MD-2804  
 )  
 6 THIS DOCUMENT RELATES TO ) Hon. Dan A.  
 ALL CASES ) Polster  
 )

7  
 8  
 9  
 10 Tuesday, May 14, 2019  
 11 — — —

12 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
 13 CONFIDENTIALITY REVIEW  
 14 — — —

15  
 16 Videotaped Deposition of JAMES E.  
 17 RAFALSKI, VOLUME 2, held at Weitz &  
 18 Luxenburg PC, 3011 West Grand Avenue, Suite  
 2150, Detroit, Michigan, commencing at  
 18 8:25 a.m., on the above date, before  
 Michael E. Miller, Fellow of the Academy of  
 19 Professional Reporters, Registered Diplomate  
 Reporter, Certified Realtime Reporter and  
 20 Notary Public.  
 21  
 22  
 23

24 GOLKOW LITIGATION SERVICES  
 877.370.3377 ph | fax 917.591.5672  
 25 deps@golkow.com

1 distributor, when you were working as a  
2 diversion investigator -- strike the  
3 question. Hold on a second.

4 A. Can I speak to my counsel about  
5 the --

6 Q. No, that's okay. We can move  
7 on.

8 A. -- Touhy authorization --

9 Q. We can move on.

10 A. -- that I have a question, with  
11 him?

12 Q. I don't have a lot of time, so  
13 I'll just withdraw the last partial question  
14 that I was just trying to ask --

15 A. Okay.

16 Q. -- and we'll move on.

17 Yesterday I believe you  
18 testified that none of the five flagging  
19 methods identified in your report are  
20 suitable for suspicious order monitoring  
21 systems.

22 Do you remember using the word  
23 "suitable"?

24 A. I do. And I thought about that  
25 testimony after I left yesterday, and I'd

1       like to maybe correct it or make a statement  
2       in regards to it.

3               Q.       Well, let me just ask you.  
4       What did you mean when you said none of the  
5       five flagging methods that you identify in  
6       your report are suitable for suspicious order  
7       monitoring systems?

8               A.       Well, specifically how they  
9       would identify a suspicious order, two times,  
10      three times, the 8,000 and the pickers and  
11      packers program or the -- I think I don't use  
12      that particular name -- the one -- the one  
13      that I think that statement would indicate  
14      that I would say that the Masters was not  
15      suitable, and I -- I would disagree.

16               If I made that statement and  
17      said that one was, I'd like to correct that  
18      and say that I -- this would be a suitable --  
19      potentially suitable suspicious order  
20      program.

21               Q.       The Masters method that  
22      identified 95% of Walgreens orders as  
23      suspicious, that one is suitable? Is that  
24      your testimony, sir? But none of the other  
25      ones?